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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,186

03/25/2004

Daniel Bigda

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7590

09/14/2005

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EXAMINER

JULES, FRANTZ F

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/809,186

Applicant(s)

BIGDA ET AL.

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-11,13-17 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 12 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/10/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Figs 1-3, 6-7 10-15, 20-21 in the reply filed on 07/27/2005 is acknowledged.
2. Claims 3-5 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/27/2005.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  

In claim 10, line 7-10, the phrase "a safety plate connected to the railway box car and positioned above and adjacent to the at least one roller of the upper trolley" is confusing as it is unclear how it relates to previously recited "a safety plate connected to the railway box car and positioned above and adjacent to the at least one roller of the upper trolley" in claim 1.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 6-11, 13-16, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayfield et al (US 3,513,783) in view of Hass (US 4,564,087).

Mayfield discloses a trolley system for positioning the door of a railway boxcar to cover or uncover an opening in a wall of the railway boxcar comprising an upper track (49A) mounted upon the railway boxcar; an upper trolley (51) having a body with at least one roller rotatably secured therein, wherein the at least one roller of the upper trolley co-acts with the track, see col 6, line 8-9.

The trolley system further includes a lower guide (77) which directs the travel of the door along a path identical to that in which the upper trolley directs the door in accordance with claims 8-9.

The trolley system further including a support member (72) connecting the upper trolley to the lower guide and wherein the door is connected to the support member in accordance with claim 11.

At least one axial guide (73) is provided between the door and the support member to permit axial movement of the door in a direction perpendicular to the plane of the door to plug or unplug the door opening in accordance with claim 13.

The support member further includes a pivot guide (81) which is an offset arm extending from the body of the upper trolley (51) to the support member (72) for imparting to the support member an arcuate motion which is also imparted to the door to plug or unplug the door opening in accordance with claims 14-16.

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Mayfield et al teach all of the features as disclose above but does not disclose "a safety plate connected to the railway boxcar and positioned above and adjacent to the at least one roller of the upper trolley, wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track". The general concept of providing "a safety plate connected to the railway boxcar and positioned above and adjacent to the at least one roller of the upper trolley, wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track" to a trolley system for positioning a door is well known in the art as illustrated by Hass which discloses in fig. 3 the teaching of "a safety plate (4.3) connected to a door frame and positioned above and adjacent to the at least one roller (14) of the upper trolley (7, 14), wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track". It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mayfield et al to include the use of "a safety plate connected to the railway boxcar and positioned above and adjacent to the at least one roller of the upper trolley, wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track" in his advantageous trolley system for positioning the door of the railway box car in order to allow sliding of the door while preventing derailment of the door.

7. Claims 1-2, 6-11, 13-17, 19, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross Jr et al (Re. 28,443) in view of Hass (US 4,564,087).

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Ross et al teach all of the features as disclose above but does not disclose "a safety plate connected to the railway boxcar and positioned above and adjacent to the at least one roller of the upper trolley, wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track". The general concept of providing "a safety plate connected to the railway boxcar and positioned above and adjacent to the at least one roller of the upper trolley, wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track" to a trolley system for positioning a door is well known in the art as illustrated by Hass which discloses in fig. 3 the teaching of "a safety plate (4.3) connected to a door frame and positioned above and adjacent to the at least one roller (14) of the upper trolley (7, 14), wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track". It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ross et al to include the use of "a safety plate connected to the railway boxcar and positioned above and adjacent to the at least one roller of the upper trolley, wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track" in his advantageous trolley system for positioning the door of the railway box car in order to allow sliding of the door while preventing derailment of the door.

***Allowable Subject Matter***

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8. Claims 12, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Beckstorm, Ferris, Soddy, Wolfe and Chikaraishi are cited to show related sliding door structure comprising a safety plate positioned above the roller of the upper trolley.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

August 23, 2005

**FRANTZ F. JULES  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to be 'Frantz F. Jules', written over a horizontal line.